

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

D&T PARTNERS, LLC, successor-in-interest to ACET Venture Partners, LLC, <i>et al</i>	§ § § §
<i>Plaintiff,</i>	
v.	
BAYMARK PARTNERS, LP, <i>et al.</i> ,	
<i>Defendants.</i>	

Civil Cause: 3:21-cv-1171-B

**WINDSPEED AND MR. SZETO'S MOTION TO DISMISS
SECOND AMENDED COMPLAINT CLAIMS PURSUANT TO RULE 12(b)(6)**

TO THE HON. JANE J. BOYLE;
UNITED STATES DISTRICT JUDGE:

COMES NOW in this cause defendants Windspeed Trading, LLC (“Windspeed”) and William Szeto (“Mr. Szeto,” and together with Windspeed, “Defendants”), and files this, its *Windspeed and Mr. Szeto’s Motion to Dismiss Second Amended Complaint Claims Pursuant to Rule 12(b)(6)* (the “Motion”). In support of the Motion, Defendants would respectfully show the Court as follows:

I. JURISDICTION AND VENUE

1. This Court has jurisdiction over the controversy under 28 U.S.C. § 1332.
2. Venue is proper in the Northern District of Texas, Dallas Division, under 28 U.S.C. § 1391(b)(2) because a substantial part of the events and omissions that give rise to the controversy occurred in this Division and District. The statutory predicate for this Motion is FEDERAL RULE OF CIVIL PROCEDURE 12(b)(6).

II. RELIEF REQUESTED AND BASIS THEREFORE

3. Pursuant to Federal Rule of Civil Procedure 12(b)(6), this Motion seeks to dismiss all claims asserted by Plaintiffs, directly and derivatively against the Defendants. Specifically, the Defendants request dismissal with prejudice of the RICO claims asserted against them in the Plaintiff's *Second Amended Complaint*. Further, the Defendants request dismissal with prejudice of the state law claims asserted in the Second Amended Complaint against them pursuant to Rule 12(b)(6), or in the alternative the Court decline supplement jurisdiction over those claims upon the dismissal of the RICO claims.

4. The bases for these requests for relief is included in the *Windspeed and Mr. Szeto's Brief in Support of Motion to Dismiss Second Amended Complaint Claims Pursuant to Rule 12(b)(6)* (the "Brief").

III. CONCLUSION AND PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendants respectfully pray this Court grant the Motion and dismiss with prejudice all causes of action asserted by Plaintiff in its First Amended Complaint. Defendants further respectfully request any additional relief to which they may be justly entitled.

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Dated: July 22, 2022
Dallas, Texas

HIGIER ALLEN & LAUTIN, PC

By: /s/ Jason T. Rodriguez
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VATTANA;, MS. VANESSA TORRES**

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of July 2022, a true and correct copy of the foregoing document was served *via* the Court's ECF system and by email to the following parties.

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